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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/374,408	08/13/1999	CHRISTOPHER C. ANDREWS	ANDREWS-0080	3712

7590 05/21/2007
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EXAMINER

PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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05/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/374,408

Applicant(s)

ANDREWS, CHRISTOPHER C.

Examiner

Joseph T. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 75-83,85-114 and 145-164 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 75-83,85-114 and 145-164 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 75, 105, and 153 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 75, 105, and 153 lines 6-7 recite "such that when input selecting said image file is received..." The phrase "when input selecting" is unclear and confusing as the actions of 'input' and 'selecting' make the claim appear to have two different actions which makes the claim indefinite. Appropriate clarification and/or correction is required.

Regarding claims 75, 105, and 153, the phrase "such that" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 75-83,85-114, and 145-164 rejected under 35 U.S.C. 102(e) as being anticipated by Codignotto, Patent #7,032,030.

Regarding claim 75, Codignotto, as best understood due to the 112 issues, teaches a method, comprising: receiving an audio signal(Fig.6); recording said received audio signal to create an audio file(col.21 lines 41-57); storing said recorded audio file at a location accessible via a network(670 Fig.6, col.5 lines 58-67 and col.17 lines 1-5); associating the recorded audio file with an image file(670 Fig.6 and 1235-1240 Fig.12; *email is an image file which the audio file is associated with*) such that when input selecting said image file is received from a first user via the network, said recorded audio file is available for playback to said first user(1235 Fig.12 and col.5 lines 58-67 and col.7 line 65-col.8 line 6).

Regarding claim 76, Codignotto teaches the method of claim 75, wherein said received audio signal includes a plurality of component audio signals(col.21 lines 41-57)

Regarding claim 77, Codignotto teaches the method of claim 75, wherein said received audio signal corresponds to a second user's voice(col.21 lines 41-57).

Regarding claim 78, Codignotto teaches the method of claim 75, wherein the audio signal via a public telephone network, and wherein said request from said second first user is via a browser(col.5 lines 58-67 and col.7 line 65-col.8 line 6).

Regarding claim 79, Codignotto teaches the method of claim 75, wherein said audio signal is received from a second user, said method further comprising: receiving an indication from said second user that said recorded audio file is approved,

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wherein said storing is performed in response to said recorded audio file being approved(col.22 lines 19-22).

Regarding claim 80, Codignotto teaches the method of claim 79, further comprising: reproducing said recorded audio file prior to said receiving said indication from said second user that said recorded audio file is approved(col.22 lines 1-30).

Regarding claim 81, Codignotto teaches the method claim 80, wherein said reproducing said recorded audio file includes playing back said recorded audio file(col.22 lines 1-30).

Regarding claim 82, Codignotto teaches the method of claim 79, further comprising: editing said recorded audio file prior to said receiving said indication from said second user that said recorded audio file is approved(col.22 lines 1-30).

Regarding claim 83, Codignotto teaches the method of claim 79, further comprising:
rerecording said audio file prior to said receiving said indication from said second user that said recorded audio file is approved(col.22 lines 1-30).

Regarding claim 85, Codignotto teaches the method of claim 75, wherein said audio signal is received from a second user, said method further comprising:
obtaining profile information from said second user; and
storing at least a portion of the obtained information in a user profile(col.14 lines 49-60).

Regarding claim 86, Codignotto teaches the method of claim 75, wherein said audio signal is received from a second user, said method further comprising;
billing said second user for said storing said recorded audio file(col.6 lines 10-25).

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Regarding claim 87, Codignotto teaches the method of claim 75, further comprising:

providing notification an indication of said location of said stored audio file, wherein said indication is usable to access said stored audio file(270 fig.2).

Regarding claim 88, Codignotto teaches the method of claim 87, wherein said audio signal is received from a second user, wherein said indication is provided providing notification includes providing said location of said stored audio file to said second user(Fig.2-3).

Regarding claim 89, Codignotto teaches the method of claim 87, wherein said indication is provided providing notification includes providing said location of said stored audio file to said second first user(fig.3).

Regarding claim 90, Codignotto teaches the method of claim 88, wherein said indication is provided providing notification includes providing said location of said stored audio file to said second first user(Fig.3).

Regarding claim 91, Codignotto teaches the method of claim 89, wherein said providing notification includes posting said indication of the location of said stored audio file on an Internet website(fig.1)

Regarding claim 92, Codignotto teaches the method of claim 87, wherein said indication is provided via a telephone network(fig.1)

Regarding claim 93, Codignotto teaches the method of claim 87, wherein said indication is provided via fax(120 Fig.1)

Regarding claim 94, Codignotto teaches the method of claim 87, wherein said

indication is provided via email(140 Fig.1).

Regarding claim 95, Codignotto teaches the method of claim 87, wherein said indication is providing notification includes transmitting a link indicative of said a location of the recorded audio file-on(Fig.2).

Regarding claim 96, Codignotto teaches the method of claim 87, wherein said providing includes:

including a link to the stored audio file in a second file; and
transmitting the second file to said first user(Fig.2).

Regarding claim 97, Codignotto teaches the method of claim 75, further comprising receiving a request from said first user to download said stored audio file (360 fig.3).

Regarding claim 98, Codignotto teaches the method of claim 75, further comprising receiving a request from said first user to wherein said providing said stored audio file to said second user via the Internet includes playing back said stored audio file(360 Fig.3).

Regarding claim 99, Codignotto teaches the method of claim. 75, further comprising: making a determination regarding the quality of the recorded audio file(col.22 lines 1-30).

Regarding claim 100, Codignotto teaches the method of claim 99, wherein said audio signal is received from a second user, and wherein said determination regarding the quality of recorded audio file is based upon information received from said second user(col.22 lines 1-30).

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Regarding claim 101, Codignotto teaches the method of claim 75, further comprising: making a determination regarding the content of the recorded audio file(col.22 lines 1-30).

Regarding claim 102, Codignotto teaches the method of claim 101, wherein said audio signal is received from a second user, and wherein said determination regarding the content of the recorded audio file is based upon information received from said second user(col.22 lines 1-30).

Regarding claim 103, Codignotto teaches the method of claim 102, further comprising: making a determination regarding the content of the recorded audio file (col.22 lines 1-30).

Regarding claim 104, Codignotto teaches the method of claim 103, wherein said determination regarding said quality and said determination regarding said content of the recorded audio file is based upon information received from said first-second user(col.22 lines 1-30)

Regarding claim 105, Codignotto , as best understood due to the 112 issues, teaches a system(Fig.1), comprising: a processor subsystem(140 Fig.1);_and a memory coupled to the processor subsystem,_wherein the memory is configured to store program instructions executable by the processor subsystem to: receive an audio signal record said received audio signal to create an audio file(Fig.6); store said recorded audio file at a location accessible via a network(670 Fig.6, col.5 lines 58-67, and col.17 lines 1-5); associate the recorded audio file with an image file such that when input selecting said image file is received from a first user via the

network, said recorded audio file is available for playback to said first user(670 Fig.6, 1235-1240 Fig.12-see claim 1).

Regarding claim 106, Codignotto teaches the system of claim 105, wherein said received audio signal includes a plurality of component audio signals(col.21 lines 41-57 and col.22 lines 1-30).

Regarding claim 107, Codignotto teaches the system of claim 105, wherein said received audio signal corresponds to said a second user's voice(col.21 lines 41-57 and col.22 lines 1-30).

Regarding claim 108, Codignotto teaches the system of claim 105, wherein the audio established received via a public telephone network, and wherein said request from said first user is via a browser(col.21 lines 41-57 and col.22 lines 1-30).

Regarding claim 109, Codignotto teaches the system of claim 105, wherein said program instructions are further executable to:
provide an indication notification to said first user of said location of said stored audio file, wherein said indication is usable for accessing said stored audio file(col.21 lines 41-57 and col.22 lines 1-30).

Regarding claim 110, Codignotto teaches the system of claim 105, wherein said program instructions are further executable to: make a determination regarding the content of the recorded audio file(col.21 lines 41-57 and col.22 lines 1-30).

Regarding claim 111, Codignotto teaches the system of claim 110, wherein said audio signal is received from a second user, and wherein said determination regarding the content of the recorded audio file is based upon information received from said

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second user(col.21 lines 41-57 and col.22 lines 1-30).

Regarding claim 112, Codignotto teaches the system of claim 105, wherein said audio signal is received from a second user, and wherein said program instructions are further executable to:

provide a second-given user access to said stored audio file via the Internet in response to said second given user issuing a request corresponding to a link supplied by said second user(col.21 lines 41-57 and col.22 lines 1-30).

Regarding claim 113, Codignotto teaches the system of claim 105, wherein said program instructions executable to provide access to said stored audio file include program instructions are executable to download said stored audio file to a requesting user(col.21 lines 41-57 and col.22 lines 1-30).

Regarding claim 114, Codignotto teaches the system of claim 105, wherein said program instructions executable to provide access to said stored audio file include program instructions are executable to play back said stored audio file to a requesting user(col.21 lines 41-57 and col.22 lines 1-30).

Regarding claim 145, Codignotto teaches the method of claim 75, wherein said recorded audio file is accessible via the Internet to any user specifying a first resource identifier corresponding to said location(col.21 lines 41-57 and col.22 lines 1-30).

Regarding claim 146, Codignotto teaches the method of claim 145, wherein the first resource identifier is a Uniform Resource Locator (URL) (col.14 lines 60-67, col.17 lines 1-38, col.21 lines 41-57, col.22 lines 19-24).

Regarding claim 147, Codignotto teaches the method of claim 85, wherein said

profile information includes information specifying that said recorded audio file be associated with said image file(1235 Fig.12)

Regarding claim 148, Codignotto teaches the method of claim 75, wherein said image file is a photograph(1235-1240 Fig.12).

Regarding claim 149, Codignotto teaches the system of claim 105, wherein said recorded audio file is accessible via the Internet to any user specifying a first resource identifier corresponding to said location(col.14 lines 60-67, col.17 lines 1-38, col.21 lines 41-57, col.22 lines 19-24).

Regarding claim 150, Codignotto teaches the system of claim 149, wherein the first resource identifier is a Uniform Resource Locator (URL) (col.14 lines 60-67, col.17 lines 1-38, col.21 lines 41-57, col.22 lines 19-24).

Regarding claim 151, Codignotto teaches the system of claim 105, wherein said program instructions are executable to associate the recorded audio file with the image file using profile information for said recorded audio file that specifies said image file(1235-1240 Fig.12).

Regarding claim 152, Codignotto teaches the system of claim 105, wherein said image file is a photograph(1235-1240 Fig.12).

Regarding claim 153, Codignotto teaches one or more computer-readable media storing program instructions that are computer executable to:
receive an audio signal(fig.6); record said received audio signal to create an audio file;
store said recorded audio file at a location accessible via a network(670 Fig.6, col.5 lines 58-67 and col.17 lines 1-5);

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associate the recorded audio file with an image file such that when input selecting said image file is received from a first user via the network, said recorded audio file is available for playback to said first user(col.21 lines 41-57 and col.22 lines 1-30).

Regarding claim 154, Codignotto teaches the computer-readable media of claim 153, wherein said received audio signal includes a plurality of component audio signals(col.21 lines 41-57 and col.22 lines 1-30).

Regarding claim 155, Codignotto teaches the computer-readable media of claim 153, wherein said received audio signal corresponds to a second user's voice(col.21 lines 41-57 and col.22 lines 1-30).

Regarding claim 156, Codignotto teaches the computer-readable media of claim 153, wherein the audio signal is received via a public telephone network, and wherein said request from said first user is via a browser(col.21 lines 41-57 and col.22 lines 1-30).

Regarding claim 157, Codignotto teaches the computer-readable media of claim 153, wherein said program instructions are further executable to:
provide an indication of said location of said stored audio file, wherein said indication is usable for accessing said stored audio file(col.21 lines 41-57 and col.22 lines 1-30).

Regarding claim 158, Codignotto teaches the computer-readable media of claim 153, wherein said audio signal is received from a second user, and wherein said program instructions are further executable to:
provide a given user access to said stored audio file via the Internet in response to said given user issuing a request corresponding to a link supplied by said second user(col.21

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lines 41-57 and col.22 lines 1-30).

Regarding claim 159, Codignotto teaches the computer-readable media of claim 153, wherein said program instructions are executable to download said stored audio file to a requesting user(col.21 lines 41-57 and col.22 lines 1-30).

Regarding claim 160, Codignotto teaches the computer-readable media of claim 153, wherein said program instructions are executable to play back said stored audio file to a requesting user(col.21 lines 41-57 and col.22 lines 1-30).

Regarding claim 161, Codignotto teaches the computer-readable media of claim 153, wherein said recorded audio file is accessible via the Internet to any user specifying a first resource identifier corresponding to said location(col.21 lines 41-57 and col.22 lines 1-30).

Regarding claim 162, Codignotto teaches the computer-readable media of claim 161, wherein the first resource identifier is a Uniform Resource Locator (URL) (col.14 lines 60-67, col.17 lines 1-38, col.21 lines 41-57, col.22 lines 19-24).

Regarding claim 163, Codignotto teaches the computer-readable media of claim 153, wherein said program instructions are executable to associate the recorded audio file with the image file using profile information for said recorded audio file that specifies said image file(1235-1240 Fig.12).

Regarding claim 164, Codignotto teaches the computer-readable media of claim 153, wherein said image file is a photograph(1235-1240 Fig.12).

Response to Arguments

5. Applicant's arguments with respect to claims 75-114 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTP
May 14, 2007

JTP

Creighton Smith

**CREIGHTON SMITH
PRIMARY EXAMINER**